

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 16, 2005 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone No. 05017

PROPOSAL: From I-1, Industrial to R-4, Residential and H-3 Commercial.

LOCATION: Generally located southwest of N. 26th and Old Dairy Road.

LAND AREA: 9.75 acres, more or less.

CONCLUSION: Although the Comprehensive Plan indicates industrial in this location, the area of request is small and adjacent to urban residential in the Comprehensive Plan. Planning staff believe the request is in general conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: I-1, Industrial

EXISTING LAND USE: Undeveloped and Hotel.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	LES station, retail	I-1, P
East:	Restaurant, retail	I-1
West:	Residential	R-2

ASSOCIATED APPLICATIONS: Special Permit #05009, Fieldstone CUP.

HISTORY: The Fieldstone Preliminary Plat was approved in 1997.

The area was zoned I-1, Industrial during the zoning update in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS:

F-65 Guiding Principals of Residential - Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.

F-69 Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas.

UTILITIES: Utilities are available to the site. Utilities exist in N. 26th Street, Irving Street and Old Dairy Road. Internal water and sanitary sewer mains are proposed to be private. The Public Works and Utilities Department recommends the sanitary sewer be public. Storm water is to be detained on site.

TRAFFIC ANALYSIS: N. 26th Street, Old Dairy Road and Irving Street are all classified as local streets.

In November 1997, City Council granted a waiver to extend Irving Street into this property.

The site plan should improve pedestrian access by providing a sidewalk on the north side of the access drive into the property from N. 26th Street and along the internal drive adjacent the parking stalls.

ENVIRONMENTAL CONCERNS: The Lincoln Lancaster County Health Department indicated concern with the proximity of residential to the existing industrial district to the south. The Lincoln Lancaster County Health Department indicated they would like to see the Rod Kush lot be zoned commercial in the future.

AESTHETIC CONSIDERATIONS: The proposed use provides more of a transition from the single family residential to the commercial/industrial.

ANALYSIS:

1. This is a request to change the zone from I-1, Industrial to R-4, Residential and H-3, Commercial.
2. This area is shown as industrial in the Comprehensive Plan. The area of change is small and adjacent to urban residential in the Comprehensive Plan. The existing residential west of this site is single family. Planning staff encourages a transition of uses from less intense to more intense. Presently there is little transition between the existing single family residential and industrial. The requested change is in conformance with the Comprehensive Plan objective to provide a transition of uses. Planning staff believes the request is in conformance with the Comprehensive Plan.
3. The Lincoln Lancaster County Health Department typically has concerns about residential near industrial. They have requested conditions to maintain a level of protection associated with the special permit for CUP.

Prepared by:

Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: March 1, 2005

APPLICANT: Jerry Boyce
Boyce Construction
4631 S. 67th Street
(402)310-6328

OWNER: Robert Rokeby and Victoria Rokeby
150 Jackson Cove Crest
Eureka Springs, AR

Larry Schmieding
8101 N. 1st Street

Fieldstone Owners Association
150 Jackson Cove Crest
Eureka Springs, AR

CONTACT: J.D. Burt
Design Associates
1609 N Street
(402)474-3000



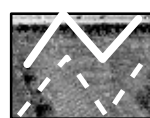
2002 aerial

Change of Zone #05017 N. 26th & Dairy Rd.

Zoning:

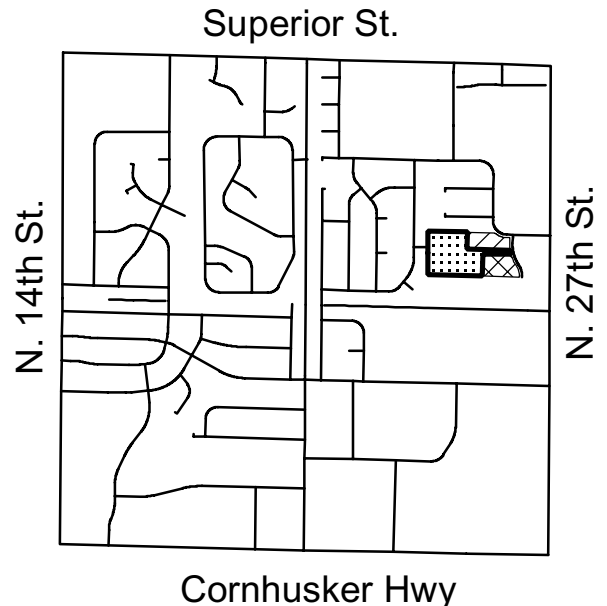
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

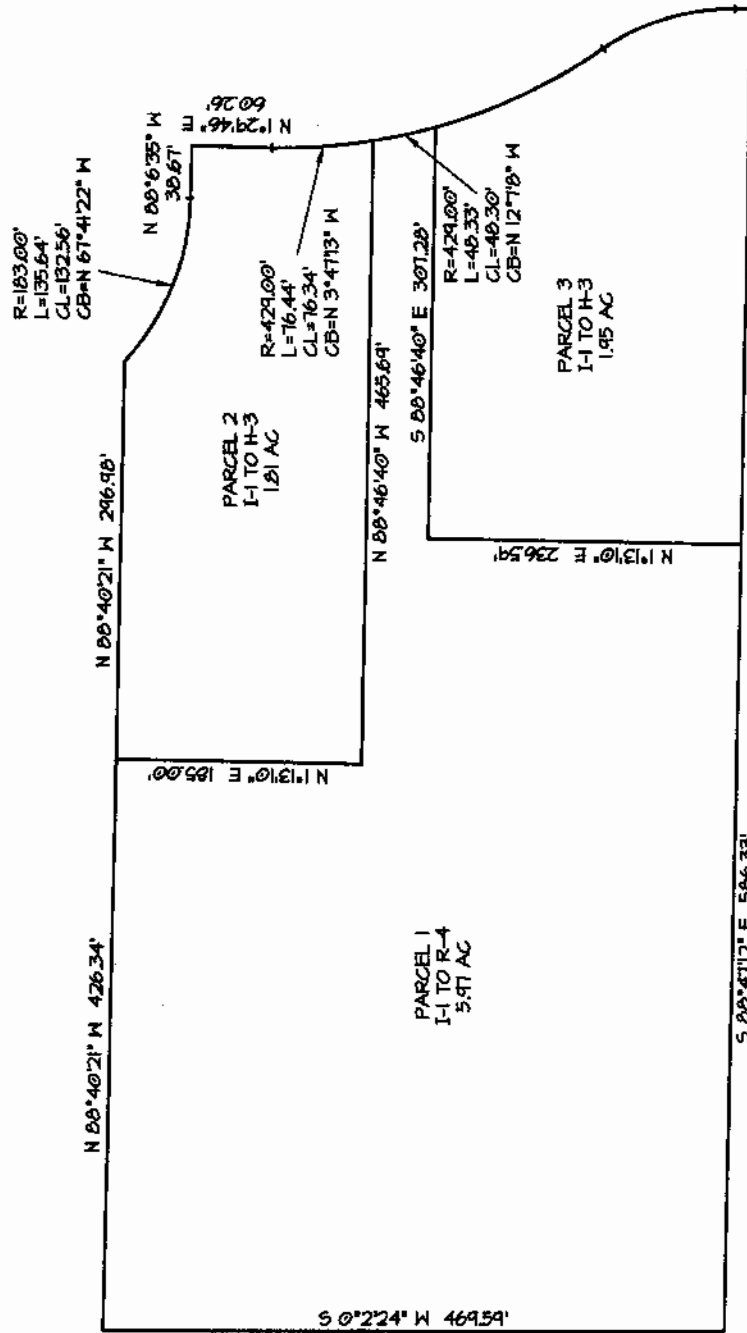
One Square Mile
Sec. 12 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction





DESIGN ASSOCIATES
OF LINCOLN, INC.

PERMANENT SURVEY
1400 N. LINCOLN
LINCOLN, NEBRASKA 68506
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designassoc@lincolnsurvey.com

FIELDSTONE CENTER CHANGE OF ZONE EXHIBIT



SCALE: 1" = 20'

16 FEB 2005

PARCEL 1

A SUBDIVISION OF OUTLOTS 'A' AND 'B' FIELDSTONE CENTER 1ST ADDITION AND LOT 138 OF IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF FIELDSTONE CENTER 1ST ADDITION; THENCE IN AN EASTERLY DIRECTION, ALONG THE SOUTH LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 47 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 586.33 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID FIELDSTONE CENTER 1ST ADDITION; THENCE NORTH 01 DEGREES 13 MINUTES 10 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 236.59 FEET; THENCE SOUTH 88 DEGREES 46 MINUTES 40 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, FOR A DISTANCE OF 307.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ON A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 429.00 FEET AND AN ARC LENGTH OF 48.33 FEET, BEING SUBTENDED BY A CHORD OF NORTH 12 DEGREES 7 MINUTES 8 SECONDS WEST FOR A DISTANCE OF 48.30 FEET TO THE NORTHEAST CORNER OF OUTLOT "B" OF SAID FIELDSTONE CENTER 1ST ADDITION; THENCE NORTH 88 DEGREES 46 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 465.69 FEET; THENCE NORTH 01 DEGREES 13 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 185.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 138 I.T.; THENCE NORTH 88 DEGREES 40 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 426.34 FEET TO THE NORTHWEST CORNER OF SAID LOT 138 I.T.; THENCE SOUTH 00 DEGREES 2 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 469.59 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 5.97 ACRES MORE OR LESS.

PARCEL 2

A SUBDIVISION OF OUTLOT 'A' FIELDSTONE CENTER 1ST ADDITION AND LOT 138 OF IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF OUTLOT 'B' OF SAID FIELDSTONE CENTER 1ST ADDITION;

THENCE ALONG THE EAST LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 429.00 FEET AND AN ARC LENGTH OF 76.44 FEET, BEING SUBTENDED BY A CHORD OF NORTH 03 DEGREES 47 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 76.34 FEET

THENCE NORTH 01 DEGREES 29 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, FOR A DISTANCE OF 60.26 FEET TO THE NORTHEAST CORNER OF SAID FIELDSTONE CENTER 1ST ADDITION

THENCE NORTH 88 DEGREES 06 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, FOR A DISTANCE OF 38.67 FEET

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND AN ARC LENGTH OF 135.64 FEET, BEING SUBTENDED BY A CHORD OF NORTH 67 DEGREES 41 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 132.56 FEET TO THE NORTHEAST CORNER OF SAID LOT 138 I.T.

THENCE NORTH 88 DEGREES 40 MINUTES 21 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 138 I.T., FOR A DISTANCE OF 296.98 FEET

THENCE SOUTH 1 DEGREES 13 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 185.00 FEET;

THENCE SOUTH 88 DEGREES 46 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 465.69 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 1.81 ACRES MORE OR LESS.

PARCEL 3

LOT 1, FIELDSTONE CENTER 1ST ADDITION LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 1.95 ACRES MORE OR LESS

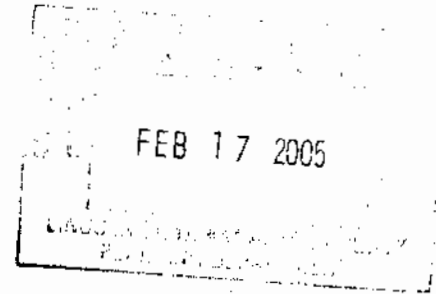
**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

3198
det #370
3915
det #2370

February 17, 2005

Marvin Krout
City County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Fieldstone Center
26th and Old Dairy Road
Change of Zone I-1 to R-4
Change of Zone I-1 to H-3
Special Permit-Community Unit Plan

Mr. Krout,

On behalf of Robert and Victoria Rokeby, Larry Schmieding, Fieldstone Owners Association and Lincoln Lodging LLC, owners and Boyce Construction, Inc., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Applications. These applications request approval of two changes of zone and Special Permit to allow a Community Unit Plan on property located along the west side of North 26th Street, south of Old Dairy Road. The properties are legally described as Outlot "A", Outlot "B" and Lot 1, Fieldstone Center 1st Addition and Lot 138 I.T. all located in Section 12, T10N, R6E. The total area of the zoning applications is 9.75-acres. Approval of these applications will allow conversion of industrially zoned property to residential and non-residential uses.

Change of Zone I-1 to R-4/Community Unit Plan (Parcel 1)

The proposed residential development includes construction of 70 dwelling units in eleven buildings that range from four to eight units per building. The two-story multifamily buildings are designed with a 'row house' format that will allow sale of individual units to provide single-family ownership that is complementary to the adjacent neighborhoods. Units in this development have been clustered with a perimeter driving aisle to provide a central green area and greater separation between the new residences and neighboring buildings that are not part of this application. Density for the community unit plan is consistent with the R-4 zoning district. Density calculations are as follow:

Allowable Units = (Residential Lot Area) x (Units per Acre) x (Density reduction)
= (5.97) x (13.93) x (0.90)
= 74.8
= Rounded to 74 units

The requested change of zone to R-4 is proposed to provide a transition between the R-3 district located to the north and west from the proposed H-3 zoning and existing I-1 zoning districts located to the south and east of the proposed community unit plan.

The community clubhouse is centrally located at the entry driveway to provide owners with a center for shared activities, meetings and mail distribution. Playground equipment is located adjacent to the clubhouse. A large common open-area is proposed south and west of the clubhouse to provide owners with area for varying field activities.

Parking for the residences include 101 surface stalls and 75 garage stalls. Five of the garage stalls are reserved for trash receptacles and equipment storage leaving 70 garage stalls for resident use.

Building setbacks for the Community Unit Plan are: 25 feet along the north adjacent to Northview Addition; 25 feet along the west adjacent to Landon's Addition; 15 feet along the south adjacent to the LES and Rod Kush properties; and 15 feet along the east adjacent to the motel and vacant industrial property. These setbacks are in excess to setback requirements of the R-4 zoning district.

Screening along the property lines is consistent with perimeter screening for community unit plans, with exception of the south property line. Screening is not proposed along the south limit due to the location of the proposed garage building and existing commercial building to the south. A waiver of screening along the south limit of the community unit plan is requested. Placement of required screening would be between the two buildings and would not be visible to any of the residences.

Access to the residential development will be limited to the proposed lot frontage along North 26th Street. Review of previous land use applications for this property reveals a waiver of the extension of Irving Street was granted by the City Council on November 3, 1997 with approval of Resolution #78461. A sidewalk connection and pedestrian access easement from Irving Street through the development to 26th Street is shown as previously required with the Fieldstone preliminary plat. This sidewalk connection will allow pedestrian traffic between the adjacent developments, as well as between the existing neighborhood and the commercial land uses along 27th Street.

Presently, a portion of the proposed residential access to 26th Street is a private roadway that is being utilized by Baymont Inn. It is the desire of the residential developer to convert this private roadway to a private driveway for use by the residential development, Baymont Inn and future users of the vacant property located along north side of the current private roadway. A common access easement is shown along the driveway accessing 26th Street.

Utilities to the development were constructed with previous phases of the Fieldstone Center. Those improvements required with prior permit applications include: public water mains, including the main that extends through the PUD between Irving Street and North 26th Street; public and private sanitary sewers; storm sewer mains and detention; internal private roadways; and off-site improvements, including a southbound to westbound right turn lane at the shared LES/commercial driveway that accesses 27th Street.

Site development will include extension of the existing pavement now known as Fieldstone Place, extension of the sanitary sewer, construction of the storm water detention cell and installation of a sidewalk connection between Irving Street and the interior sidewalks.

FEB 17 2005

Change of Zone I-1 to H-3 (Parcels 2 and 3)

The remaining area in this development consists of the Baymont Inn motel (1.96 acres) and approximately 1.82 acres of vacant property. A change of zone is requested on these two parcels to provide a transition between the existing and proposed residential developments and the industrial zoning district that now exists along the east side of 26th Street. This change of zone will reduce potential land uses and increase building setbacks to provide a safer environment for the existing and proposed residential uses than would exist with the present I-1 zoning.

Neighborhood Input

During our meeting with neighbors, there were two areas of concern. Their concerns included the extension of Irving Street and pedestrian access between Irving Street and the commercial land uses along 27th Street. Both of their concerns are addressed in this development plan with the continued termination of Irving Street and the provision for sidewalk between Irving Street and 26th Street.

Thank you in advance for your favorable consideration. Please advise if additional information is desired.

Best regards,

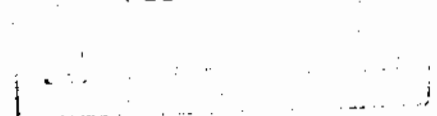


J.D. Burt
For the firm

Attachments: Applications -Change of Zone I-1 to R-4
 -Special Permit, Community Unit Plan
 -Change of Zone I-1 to H-3
 -Reduced size Site Plan
 -Change of Zone Exhibit
 -Legal Descriptions
24-Site plans
8-Grading Plans
8-Landscape Plans

cc w/ Attachments: Jerry Boyce
 Bob and Vicki Rokeby
 Larry Schmieding
 Lincoln Lodging, LLC

FEB 17 2005



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: March 1, 2005

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Fieldstone Center
CZ #05017 CUP#05009

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

- The LLCHD notes that industrial zoning is located approximately 120 feet to the south from the proposed residential multi-family units. The LLCHD has historically advocated against locating residential populations in close proximity to industrial zoning due to concerns relative to the types of uses allowed within the I-1 zoning district. Specifically, LLCHD's concerns focus on exposure to hazardous materials and noise pollution. While the current use of the land south of this proposed development is relatively compatible with residential zoning, there are currently no regulations that would prohibit future incompatible land-uses relative to protecting public health. Therefore, the LLCHD believes that a change of zone to commercial for this parcel would be a better match for this area relative to the surrounding land uses. However, this proposed change of zone from I-1 to R-3 would be an improvement relative to protecting the current residential zoning surrounding this proposed development from future industrial uses.
- Noise pollution is also a concern when locating residential populations adjacent to industrial and commercial zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting industrial and commercial uses in which the source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.